REMARKS

Claims 1, 6-16, 20 and 25-33 were pending. Claims 1, 6-16, 20 and 25-33 were rejected. By virtue of this response, claim 33 has been cancelled, claims 1, 6, 14-16, 20, 25-32 have been amended, and no new claims have been added. Accordingly, claims 1, 6, 14-16, 20, 25-32 are currently under consideration. Cancellation and amendment of certain claims is not to be construed as a dedication or abandonment of any unclaimed subject matter by Applicants. No new matter was added by virtue of these amendments.

For the examiner's convenience, applicants' remarks are presented in the same order in which they were raised in the office action of August 20.

Claim Rejections Under 35 USC §103

Claims 1, 6-16, 20, 26 and 31 were rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Hu U.S. Patent No. 6,173,322 [hereinafter Hu] in view of Graber et al., U.S. Patent No. 5,717,860 [hereinafter Graber] and further in view of Callsen et al., U.S. Patent No. 5,884,033 [hereinafter Callsen].

Claim 1 has been amended to refocus the claim on subject matter believed patentable over proposed combinations of Hu, Graber, and Callsen.

Over the course of prosecution, the Examiner has repeatedly alleged that Hu discloses something to the effect of, "If the predetermined condition does exist at least one of the servers, redirecting by the server at least one client request from that server to another one of the servers such that the browser requests the web page from another one of the web servers." (Paper No. 20050510, Page 3). The Examiner relies on Col. 6, Lines 11-22 and Col. 4, Line 66 to Col. 5, Line 8. These sections of Hu do not teach this recitation. Because the Examiner has apparently mischaracterized these sections on numerous previous occasions, these sections are set forth in their entirety below with emphasis added as appropriate.

Col. 6, Lines 11-22: "FIG. 3 is a data flow diagram 300 representing the general operation of the present invention. Data flow diagram 300 traces the path

> of a client request issued by client 104 through the present invention. The client request is handled by the various software components of network request manager 102: server module 202, rules module 204, policy modules 206, and connection module 208. Network request manager 102 responds to the client request with either the results of servicing the request, or with information which will allow client 104 to contact directly (ie., "redirection information") **the content server 106 selected to service the request**."

I t is clear from the above portion of Hu that Hu teaches that the network request manager 102 responds to a client request with either results or with redirection information specifying a content server selected to service the request. In other words, Hu teaches that the network request manager assigns a client request to a content server and may provide information regarding that assignment to a client. This section of Hu certainly does not teach "redirecting by the server at least one client request from that server to another one of the servers."

The Examiner thus apparently relies on Col. 4, Line 66 to Col. 5, Line 5 in urging that Hu so teaches because Hu states:

> "Network request manager 102 most commonly would operate as a web site on a TCP/IP network. Content servers 106 accessible via the web site might be located anywhere network request manager 102 is connected via a communication pathway. For instance, the computer which operates as the network request manager 102 may also act as a content server 106."

Applicants respectfully submit that this teaching regarding hosting both the network request manager and content server of Hu in combination with the above teaching of Hu still does not teach "redirecting by the server at least one client request from that server to another one of the servers." Hu teaches a system where a network request manager assigns a client request to a content server. That content server may in fact be on the same "box" as the network request manager, or it may be on a different "box." However, physical collocation/hosting is irrelevant to

the present inquiry because after assigning the client request to a particular content server, Hu then teaches either that the network request manager receives the information for the client on behalf of the client (proxy) or provides redirect information so that the client can contact the assigned content server directly. Thus, in Hu, there is no teaching whatsoever of "redirecting by the server at least one client request from that server to another one of the servers."

To aid in the Examiner's better understanding of Hu, Col. 11, Lines 16-27 are reproduced below. As before, it is clear that Hu does not teach, "redirecting by the server at least one client request from that server to another one of the servers."

> "FIG. 9B is a diagram 902 illustrating network request manager 102 in a redirect mode of operation. In redirect mode, network request manager 102 receives the client request and **selects** an appropriate content server 106 as before. Here, however, network request manager 102 responds to the client request with information that will **allow client 104 to contact content server 106 directly**. For example, network request manager 102 might respond with the web site address of content server 106. Using this information, client 104 re-transmits the client request to content server 106 and receives the results directly."

The text of claim 1 as currently amended (without change marks) is provided below for ease of comparison with the above cited sections of Hu.

> Claim 1 (currently amended) A method for distributing browser web page requests comprising:
> receiving web page requests at a first web server;
> determining whether a predetermined condition exists at the first web server; and

if the predetermined condition exists, then redirecting by the first web server at least one of the web page requests from the first web server to another web server for servicing.

To better illustrate differences between claim 1 and Hu, "receiving web page requests at a first web server" was added. Similar to previously pending claim 1, claim 1 recites "redirecting by the first web server at least one of the web page requests from the first web server to another web server for servicing." Hu does not teach these limitations, as discussed previously. Neither Callsen nor Graber appear to cure this deficiency. The subject matter of currently amended claim 1 remains within the scope of the previous declarations under 37 C.F.R. §1.131. Therefore, the 35 U.S.C. 103 rejection should be withdrawn.

Claims 6-9 depend from directly or indirectly from claim 1 and are believed to at least be allowable by virtue of that dependency.

Further considering claim 9, the Examiner alleges that Hu discloses redirecting only if a web request is for one of a predetermined set of web pages. The Examiner further alleges that Hu exemplifies this limitation by distinguishing "(i.e., dynamic pages or static pages)" (see Paper No. 20050510, Page 5). The Examiner relies on Hu Fig. 6 and Col. 12, Lines 10-42.

Here again, Applicants must respectfully disagree with this characterization of Hu. Hu Fig. 6 illustrates a basic flowchart including a rules module, a policy module, and a server module. There is no teaching or suggestion here concerning, "redirecting only if the request is for one of a predetermined set of web pages." Likewise, there is no apparent teaching of this limitation at Col. 12, Lines 10-42. Instead, Hu teaches, "redirection criteria are satisfied when... direct connection would result in significantly more efficient communication," "[f]or example, client 104 and content server 106 may both be physically located within a few miles of each other," and "[f]or instance, all client requests for a network intensive interactive application might be redirected automatically."

There is not even a mention of dynamic versus static pages in the cited section. There is no apparent teaching or suggestion from this section regarding "redirecting only if the request is for one of a predetermined set of web pages." Thus, claim 9 is deemed to be allowable over the Examiner's proposed combinations, and Applicants respectfully requests that the rejection of claim 9 be withdrawn.

The above discussion applies to claims 10 and 11. Also, Applicants are concerned that the Examiner is confusing Hu's redirection discussion with Hu's caching teachings that begin at Col. 12, Line 54, because the Examiner cited Col 12, Lines 18-66 in rejecting claim 10. Surely the Examiner does not propose to combine a teaching regarding caching with an unrelated teaching regarding redirection, even assuming that the combined teachings disclose (which they don't) what the Examiner alleges. By virtue of the above discussion, as well as the additional limitations of claims 10 and 11, these claims are believed allowable over the proposed combinations of Hu, Graber and Callsen.

In considering claim 12, the Examiner alleges that Hu discloses "redirecting only if the request is for web page that does not have state," and provides an example concerning whether pages are cached or not (see Paper No. 20050510, Page 5). The citation to Col. 13, Lines 1-21 provide significant evidence that the Examiner is confusing Hu's redirection discussion with Hu's caching teachings. However, nowhere does Hu suggest that redirection is based at all on cached or non-cached pages, or that any redirection decision is based on cached or uncached. Hu does not even mention the concept of state, and state with regard to web pages is certaining not co-extensive with cached or uncached. Therefore, Hu does not teach, as the Examiner argues, redirecting only if the "request is for a web page that does not have state" and claim 12 is therefore independently allowable and the rejection against claim 12 should therefore be withdrawn.

I n considering claim 13, because Hu does not disclose "redirecting only if the request is for web page that does not have state" Hu certainly cannot disclose the additional limitation of claim 13 which includes "determining whether the web page is included in a list of web pages that

have state." Claim 13 is therefore independently allowable over the rejection, and the rejection against claim 13 should be withdrawn.

Claim 14 depends from allowable claim 1 and is therefore also allowable. Applicants request withdrawal of the rejection against claim 14.

Claim 15 has been amended, and is provided below without amendments illustrated.

> "[A] system for servicing web page requests for web page requests, comprising:
>
> a first web server operable to redirect, from the first web server to a second web server, a web page request made of the first web server, if a predetermined condition is determined to exist at the first web server; and
>
> a manager for monitoring the first web server to determine if the predetermined condition exists at one or more of the first web server, and for monitoring the second web server to determine capacity for serving the redirected web page request."

Similar to the above discussion regarding claim 1, Hu does not teach, "a first web server operable to redirect, from the first web server to a second web server, a web page request made of the first web server." This recitation further explicates the difference in redirection between Hu and claim 15. Claim 15 is therefore allowable over the combination of Hu, Graber and Callsen. Applicants request withdrawal of the rejection against claim 15.

In considering claim 16, the Examiner is directed to the discussion regarding claim 9 above. As discussed above, Hu does not disclose that "the web server is operable to transfer only requests for predetermined web pages." Claim 15 is therefore allowable over the combination of Hu, Graber and Callsen. Applicants request withdrawal of the rejection against claim 15.

Claim 20 now recites:

> "[a] method for allocating browser web page requests among two or more web servers, comprising:
>
> distributing web page requests for servicing by a first web server;
>
> periodically monitoring a load metric of the first web server load metric of a web server; and
>
> redirecting by the first web server at least some of the web page requests from the first web server to another web server if the load metric exceeds a threshold until the load metric no longer exceeds the threshold."

The sections cited by the Examiner against previously pending claim 20, as well as other sections of Hu, Graber, and Callsen do not teach or suggest all the limitations of this claim. In particular, there is no teaching of monitoring a load metric, and "redirecting by the first web server at least some of the web page requests from the first web server to another web server if the load metric exceeds a threshold." Therefore, claim 20 is allowable over Hu, Graber, and Callsen. This amendment finds support in the specification at Page 26, second full paragraph through Page 27, end of second full paragraph, as well as from other teachings in the specification.

In considering claim 25, Applicants respectfully note that the Examiner has, in rejecting previously pending claim 25, pointed to a coincidental aspect of Hu. Claim 25 now distinguishes this aspect by including "distributing is accomplished by an interceptor located on a first host, and redirecting is initiated by an agent running on a second host, which also hosts the first web server, and wherein the agent is in communication with a web server interface, and instructs the web server interface to cause the web server to redirect." These amendments find support from pages 10-11 of the specification as well as various other portions and figures. Since Hu, Graber, and Callsen do not teach or suggest all the limitations of Claim 25, claim 25 is independently patentable, and the rejection thereof should be withdrawn.

Claim 26 has been amended, and now recites:

"[a] method for serving browser web page requests comprising:

distributing browser web page requests to a first web server;

determining whether a predetermined condition exists at the first web server; and

if the predetermined condition exists, then

redirecting by the first web server at least one of the browser requests from the first web server to another web server, the redirection initiated by an agent running on a same host as the web server, and

distributing fewer browser web page requests to the first web server at least until the predetermined condition is determined to no longer exist at the first web server."

Claim 26 was amended in accordance with the specification at least at pages 26-27. Claim 26 recites subject matter believed patentable over any combination of teachings or suggestions of Hu, Graber, and Callsen. In particicular, "redirecting by the first web server at least one of the browser requests from the first web server to another web server" discussed with regard to claim 1 as well as "distributing fewer browser web page requests to the first web server at least until the predetermined condition is determined to no longer exist at the first web server" are recitations not taught or suggested by any of Hu, Graber or Callsen. Therefore, Applicants respectfully request withdrawal of the rejection against claim 26.

Claim 27, also amended, now recites:

"[a] method for servicing browser web page requests comprising:

monitoring a respective web page request queue-associated with each of a plurality of web servers to determine if a predetermined condition exists at any of the web servers;

if the predetermined condition exists at any of the web servers, then

redirecting by that web server at least one web page request from that web server to either an interceptor operable to allocate web page requests among the plurality of web servers or another of the web servers, and

monitoring web page requests received at that redirecting web server, and if no web page request has been received after a time then restarting that redirecting web server.

Claim 27 recites subject matter described at least at pages 21, 26 and 27 of the specification. Claim 27 recites limitations not taught or recited by Hu, Graber, or Callsen. By example, "redirecting by that web server at least one web page request from that web server to either an interceptor operable to allocate web page requests among the plurality of web servers or another of the web servers," and "monitoring web page requests received at that redirecting web server, and if no web page request has been received after a time then restarting that redirecting web server" are not taught or suggested by any combination of Hu, Graber and Callsen.

Claim 28 depends from claim 27, and at least for this reason is believed allowable.

Claim 29 was also amended and now recites:

"[a] method for responding to browser web page requests, comprising:

distributing web page requests among a plurality of web servers;

monitoring delay of a respective web page request queue associated with each of the web servers to determine if a predetermined condition exists at any of the web servers; and

if the predetermined condition exists at any of the web servers, then redirecting by those web servers at least one web page request from each of those web servers to other-web servers, and

reducing the distribution of web page requests to those redirecting web servers until the monitoring indicates absence of the predetermined condition at those redirecting web servers.

Claim 29 recites subject matter described at least at pages 21, 26 and 27 of the specification. Claim 29 recites limitations not taught or recited by Hu, Graber, or Callsen. By example, "redirecting by those web servers at least one web page request from each of those web servers to other web servers, and reducing the distribution of web page requests to those redirecting web servers until the monitoring indicates absence of the predetermined condition at those redirecting web servers" is not taught or suggested by any combination of Hu, Graber and Callsen.

Claim 30 depends from claim 29, and at least for this reason is believed allowable.

Claim 31 was amended to recite:

"[a] system for responding to browser requests for web pages, comprising:

a plurality of web servers, each web server operable to redirect a received web page request to another of the plurality of web servers;

a distributor of web page requests operable to distribute web page requests among the plurality of web servers; and

a central manager for monitoring the web servers to determine if a predetermined condition exists at one or more of the web servers, and to command each web server at which the predetermined condition exists to redirect received web page requests."

Claim 31 recites subject matter described at least at pages 10, 21, 26 and 27 of the specification. Claim 31 recites limitations not taught or recited by Hu, Graber, or Callsen. By example, "a plurality of web servers, each web server operable to redirect a received web page request to another of the plurality of web servers" and "a central manager for monitoring the web

servers to determine if a predetermined condition exists at one or more of the web servers, and to command each web server at which the predetermined condition exists to redirect received web page requests" are each not taught or suggested by Hu, Graber or Callsen singularly or in combination. Claim 31 is therefore believed allowable over Hu, Graber, and Callsen.

Claim 32 depends from claim 31, and at least for this reason is believed allowable.

Claim 33 was cancelled.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 324212005500. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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